

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7316**

**BILL NUMBER:** SB 242

**NOTE PREPARED:** Apr 28, 2003

**BILL AMENDED:** Apr 25, 2003

**SUBJECT:** Medical Review and Driver's Licenses.

**FIRST AUTHOR:** Sen. Landske

**FIRST SPONSOR:** Rep. Cheney

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (CCR Amended) This bill: (1) renames the Driver Licensing Advisory Committee as the Driver Licensing Medical Advisory Board; (2) requires one member of the Board to be a neurologist with expertise in epilepsy; (3) makes it a Class A misdemeanor for causing serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which is a condition of the issuance of a restricted driver's license and (4) a Class D felony for the commission of the offense after certain prior convictions (5) requires suspension of the person's driver's license after conviction; and (6) makes conforming changes.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Part 5 - License Suspension:* The Bureau of Motor Vehicles (BMV) will suspend licenses through its current license suspension protocol. There will be no additional fiscal impact. In CY 2001, 133,439 licenses were suspended.

*Part 4 - Penalty Provision:* A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Parts 3 and 4 - Penalty Provisions:* This bill changes a criminal penalty from a Class B misdemeanor to a Class A misdemeanor, and another penalty from a Class A misdemeanor

to a Class D felony. Revenue to both the Common School Fund and the state General Fund would increase.

The maximum fine for a Class A misdemeanor is \$5,000, while the maximum for a Class B misdemeanor is \$1,000. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail, while a Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction; Bureau of Motor Vehicles.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

**Fiscal Analyst:** James Sperlik, 317-232-9866.